IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.06.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL NO.606 OF 2006
and WAMP.No.1245 of 2006

R. Krishnamoorthy .. Appellant

vs.

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villulpuram. .. Respondent

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice D. Murugesan dated 08.03.2006 made in W.P.No.6647 of 2006. It is prayed that calling for the records of the respondent relating to Proc. No. 93/69 Ni.2/TNSTC (Vil) Ltd./2006-1 dated 17.2.2006 quash the same and issue consequential direction to the respondent to allow the petitioner to serve at Pondicherry Branch till the date of his retirement on 31.12.2006.

For appellant : Ms. M. Shakkira Banu
for Mr. D. Jeyendra Saraswathi

For respondent : Mr. N. Aravamudhan for Mr. V.R. Kamalanathan

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JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeal has been filed against the order of the learned single Judge dated 08.03.2006 made in Writ petition No.6647 of 2006.

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2. Aggrieved by the proceedings of the Tamil Nadu Transport Corporation (Villupuram) Ltd., dated 17.02.2006, transferring him from Pondicherry Depot to Chidambaram Depot, the appellant has filed W.P.No.6647 of 2006. The transfer order shows that he was transferred due to administrative reasons. The learned Judge taking note of the fact that the petitioner/appellant is a physically handicapped person and transferred in the middle of the academic year, which would affect the education of his children, directed the Transport Corporation to consider his claim to allow him to continue in the same Depot till the end of academic year. Not satisfied with the limited direction issued by the learned Judge, the petitioner has preferred the present appeal.

3. Even before us, the learned counsel for the appellant submitted that the appellant is a physically handicapped person and he will retire on 31.12.2006. By pointing out the above two factual aspects, request this Court for necessary direction to the respondent / Transport Corporation for his continuance at Pondicherry Depot till 31.12.2006.

4. We heard the learned counsel for the respondent / Transport Corporation, who takes notice even at the admission stage itself.

5. According to the learned counsel for the Transport Corporation, due to altercation between the Conductor and the Driver of the Transport Corporation/appellant herein, Transport Corporation has initiated disciplinary proceedings against the appellant herein and the same is pending. Though initially the appellant was suspended, it is stated by the learned counsel for the appellant that subsequently the same was revoked. Taking note of the fact that the appellant is a physically handicapped person and going to attain superannuation by end of December, 2006, as well as taking note of his family circumstances, we are of the view that ends of justice would be met by permitting him to continue at Pondicherry Depot till 31.12.2006. It is made clear that respondent Transport Corporation is free to proceed the enquiry proceedings and depending on the outcome of the

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enquiry they are also free to pass appropriate orders. With the above observation, the writ appeal is disposed of. No costs. Consequently, connected WAMP., is closed.
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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villulpuram.

+ one cc to Mr. V.R. Kamalanathan, Advocate srno. 25346
+ one cc to Mr. D. Jeyandra Saraswathi, Advocate srn o. 25240

JSK(CO)
NM(26.06.2006)

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